

ORGANOTIN ANTIFOULING PAINT CONTROL ACT OF 1988 (OAPCA)25-4. Administrative Enforcement: Agency Representation in
Hearings and Signing of Consent Agreements1. AUTHORITY.

a. To represent the Agency in administrative enforcement actions conducted under the Organotin Antifouling Paint Control Act (OAPCA);

b. to negotiate consent agreements between the Agency and respondents resulting from such enforcement actions; and

c. to initiate an appeal from an administrative determination, and to represent the Agency in such appeals.

2. TO WHOM DELEGATED. The authorities in 1.a. and 1.b. are delegated to the Director, Land and Chemicals Division (LCD); Director, Office of Enforcement, Compliance and Environmental Justice, (OECEJ); and the Regional Counsel.

3. LIMITATIONS.

a. This authority may only be exercised after the alleged violator either files an answer or fails to file an answer in the specified time period.

b. The delegates other than Regional Counsel must obtain the concurrence of the Regional Counsel before exercising any of the above authorities.

c. Only the Assistant Administrator for Enforcement and Compliance Assurance may exercise the authority to initiate appeals.

d. The Director OECEJ may exercise these authorities only in multi-media cases.

e. The Director OECEJ must consult with the LCD delegatee before exercising this authority.

4. REDELEGATION AUTHORITY. This authority may not be redelegated.

5. ADDITIONAL REFERENCES.

a. The Agency official who signed the complaint should sign the settlement agreement.

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5. ADDITIONAL REFERENCES (Cont.).

- b. The authority to initiate an appeal from a judicial action resides with the General Counsel.
- c. The Assistant Administrator for Enforcement and Compliance Assurance must consult with the Regional designee and the Assistant Administrator for Prevention, Pesticides, and Toxic Substances prior to initiating an appeal.

Date: 9/30/98

/s/ Thomas C. Voltaggio
W. Michael McCabe
Regional Administrator